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Chairman Laslovich, members of the Committee,

SENATE JUDICIARY COMMITTEE  
ROOM NO. 3  
DATE 5 JAN 07  
CALL: SB 18

My name is Scott Crichton and I am the Executive Director of the ACLU of Montana. On behalf of our 2,400 members, I submit this testimony in opposition to SB 18.

SB 18 is one of the many bills regarding sex offenders this legislature will face this session. Hundreds of similar bills will be filed in statehouses across the country. In the last few years, perhaps no other issue has generated such a strong reaction from citizens and policy makers. There is good reason for that – we all from time to time see gruesome crimes in our papers and on our televisions, and we know the damage they do to the victim. Folks want to do anything they can to stop these crimes from happening. So do we. It is precisely because of the seriousness of this issue that you as policymakers must do the hard job of weeding out the proposed laws that would increase public safety from those that merely sound good, or even worse, those that may increase the risks to the public. This proposed bill on residency restriction falls into that last category – it doesn't increase public safety, it may even make the problem worse.

In February 2006, the Iowa County Attorney's Association issued a statement on Iowa's sex offender residency law, a copy of which I've attached to my testimony. These are the prosecutors charged with enforcing the law. While I encourage you to read their full statement, I've pulled a few of their findings to mention here:

- Research shows there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.
- [This policy] is contrary to well-established principles of treatment and rehabilitation of sex offenders....These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practice.



- There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.

And perhaps most troubling...

- Law enforcement has observed that the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or simply disappear. If they do not register, law enforcement and the public do not know where they are living. The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety.

These are not the words of the ACLU, these are the words of law enforcement in a state that has tried this approach. Their experience makes clear that while this legislation may sound good to the public at first blush, it in fact is bad policy that may be putting people at greater risk.

While the ineffectiveness of such laws alone should be enough to convince this committee to vote no, there are constitutional issues to consider as well. The Supreme Court has yet to rule on the issue, but a number of courts have found such residence restrictions to be unconstitutional. It seems foolhardy to enact a law with no proven public safety benefit and constitutional infirmities.

In closing, I urge this committee to reject SB 18. This bill is not supported by evidence – to the contrary, evidence shows such bills push sex offenders underground and make them harder for law enforcement to monitor. Rejecting this bill may not garner the ‘tough on sex offender’ newspaper headlines, but it is the best way to enhance the public safety of Montana citizens. Passing this bill would only create a false sense of security, while diminishing actual security.

Thank you for your time – I’d be happy to answer any questions the committee may have.